

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SETH AMOS NELSON,

Defendant.

**CR-07-139-GF-BMM**

**ORDER**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on September 29, 2021. (Doc. 169.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on September 28, 2021. (Doc. 164.) The United States accused Nelson of violating his conditions of supervised release by using methamphetamine on four separate occasions. (Doc. 159.)

At the revocation hearing, Nelson admitted to violating the conditions of his supervised release by using methamphetamine and cocaine, but denied violations 1, 2 and 3. (Doc. 164.) The government failed to satisfy its burden of proof with respect to alleged violations 1, 2 and 3. Judge Johnston found that the violation Nelson admitted proved to be serious and warranted revocation, and recommended that Nelson receive a custodial sentence of 12 months and 1 day with a no supervised release to follow. (Doc. 169.) Nelson was advised of his right to appeal and his right to allocute before the undersigned. (Doc. 164.) The violation proves serious and warrants revocation of Nelson's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 169) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Seth Amos Nelson be sentenced to the custody of the United States Bureau of Prisons for 12 months and 1 day, with no supervised release to follow.

DATED this 14th day of October, 2021.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive, flowing style. The first name "Brian" is written with a large, looped 'B', and the last name "Morris" is written with a large, looped 'M' and a trailing flourish.

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Brian Morris, Chief District Judge  
United States District Court